

Inland Wetlands Agency

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LIST OF PROPOSED REVISIONS OF THE INLAND WETLANDS AND WATERCOURSES REGULATIONS OF THE TOWN OF BRANFORD

The Inland Wetlands Commission, of the Town of Branford, will hold a public hearing at the regular meeting to be held on April 14, 2016 at 7:30 pm, Fire Station Headquarters, 45 North Main St., Branford CT 06405. The public will have an opportunity to comment on proposed revisions/changes to the Town of Branford Inland Wetlands and Watercourses Regulations which are listed below.

Copies of the proposed revisions are available at the Department of Inland Wetlands and Watercourses and in the Clerk's office in the Branford Town Hall. They are also available for downloading at the Branford Town website @ www.branford-ct.gov. The current regulations are available at <http://www.branford-ct.gov/Inwet>.

Proposed Regulation Revisions – Section numbers provided are the proposed numbers

Punctuation/Spelling/Grammar: 1.2, 1.5, 2.1g., 2.1i., 2.1l., 2.1s., 2.1t., 2.1u., 2.1v., 2.1w, 2.1x., 2.1y., 2.1bb., 2.1nn., 2.1pp., 2.1qq., 2.1 rr., 2.1 tt., 2.1uu, 2.1aaa., 4.1, 4.2, 5.3, 6.1, 6.3, 7.7, 8.2, 8.3, 8.4, 8.6, 9.4, 10.2, 10.5, 11.2, 11.12, 12.1, 15.1, 15.2, 15.3, 15.4, 15.7, 19.6

Changed or added to align with 2006 model regulations: 2.1d., 2.1aa., 2.1cc., 2.1ff-hh, 2.1jj. 2.1vv., 2.1bbb., 3.2, 3.3, 3.4, 4.1b, 4.1d., 4.1e, 4.2a., 4.2b, 5.1, 5.2, 5.4, 7.1, 7.2, 7.3, 8.4, 8.5, 11.1, 11.5, 11.6, 11.12, 12.1, 14.1, 14.2, 14.3, 14.4b.

Changed or added per Public Act: 4.1f (PA11-184), 4.2c. (PA11-184), 7.15 (PA10-85), 10.8 (PA10-85), 10.9 (PA10-85), 10.10 (PA10-85), 11.1 (PA12-121), 11.8 (PA12-151, PA11-5)

Content Changes (doesn't include everything listed above):

Section numbers provided are the proposed numbers

Title Page: Update, remove “commissioners” from title

Contents: Update page numbers and rename section 3 to specify regulated areas

1) Title & Authority:

1.1: Moved section of text to section 7.5

2) Definitions:

“Agency” – changed to align with 2006 MR & Town Code, added “[Inland Wetlands and Watercourses Agency]” for additional reference

“Best Management Practices” - added specifics on the practices e.g. added “activity, structure, or facility” and added “prevent”, and clarified the impacts

“Commissioner” - updated Dept. of Environmental Protection to Dept. of Environmental Protection [DEEP]

“Duly Authorized Agent” - added “(Agent)” to term as shorthand for Duly Authorized Agent”

“Discharge” - typo

“Disturbing the natural and indigenous character of the wetland or watercourse” - changed definition to reference use and definition in the regulations – Section 4.2

“Farming” - changed wording and added reference to Section 4.1 of the regulations

“Intervenor” - added definition

“Person” - added “limited liability company” per 2006 model regulations

“Pollution” - added “wetlands” to definition & changed “Town of Branford” to “state” per MR

- “Regulated Activity” - revised definition
- “Regulated Area” - removed from definitions
- “Significant Impact” - changed from “Significant activity”, changes to better align definition with the 2006 model regulations definition
- “Upland Review Area” - clarification
- “Waste” - added “wetlands” to definition, which is also included in model regulation definition
- 3) Inventory of Wetlands and Watercourses:
 - 3.1: Some rewording
- 4) Permitted and Non-Regulated Uses:
 - 4.1: Removed current section 4.1b. = obsolete, the proposed 4.1b modified per 2006 model regulations
 - 4.3: Removed “and”, added text for Duly Authorized Agent similar to the 2006 model regulations
 - 4.4: Reworded, mostly based on the 2006 model regulations
- 5) Activities Regulated by the State:
 - 5: Removed the old Section 5.1, not in 2006 model regulations
 - 5.3: Revisions per 2006 model regulations, and added reference to CGS 22a-411
- 6) Regulated Activities to be Licensed:
 - 6: The current section 6.2 was removed per the 2006 model regulations
 - 6.1: Changed “Inland Wetlands Commission” to “Agency”
- 7) Application Requirements: significant additions and reorganization
 - 7.1: Added that the application is online and revised some per the 2006 model regulations
 - 7.2: Added per 2006 model regulations, some other modification
 - 7.4: Clarified limitations of pre-application meeting
 - 7.5: Text moved from current Section 1.1 and numbering added
 - 7.6: New section on best management practices, includes some of the current Section 7.5k, remove RCV and add WQV and GRV
 - 7.7: Restructure of current Section 7.4, added and clarified some required information for applications
 - 7.8: Revised from current Section 7.5 & 7.4, added clarification on additional information that may be required for an application
 - 7.9: Lowered thresh hold and clarified scope for activity requiring compensation, increased compensation ratio, clarified that watercourses are included
 - 7.10: New section, modification of current Section 11.12 – compensation requirements, added reporting detail
 - 7.12: Fixed spacing, added detail on required copies, added that digital files may be required
 - 7.13: Correct use of parentheses
- 8) Application Procedures:
 - Current Section 8.2 removed per Public Act
 - 8.1: Some modification for clarification and to align with 2006 model regulations
 - 8.6: removed “in support of the application”
 - 8.9: Minor revision
- 9) Public Hearings:
 - 9.1: Modification to names for simplicity/clarification, add reference to Section 11.2
 - 9.4: Added requirements for sign and letter size
- 10) Considerations for Decision:
 - 10.1: Removed current Section 10.1b., modified and add as new 10.1e, fixed name “Joint Conservation & Environment Commission
 - 10.6: Specified “The Agency” in place of “A municipal inland wetlands agency”
 - 10.7: Changed “his” to “the” and “Commission” to “Agency”
- 11) Decision Process and Permit:

- 11.2: Added numbers (65) and (35) after the spelled out occurrences, consistency
- 11.3: Changed “Commission” to “Agency”
- 11.7: Changed “Commission” to “Agency”
- 11.8: Added chapter titles for clarity, permit expiration date - information comes from PA12-151 & PA11-5 and current
- 11.10: Changed wording on bond requirement/enforcement
- 11.11: Added requirement for construction phasing limiting clear cutting to within 6 months of construction unless otherwise authorized by the Commission
- Current Section 11.12 was moved to Section 7.10
- 12) Action by Duly Authorized Agent:
 - 12.1: Fixed references to other sections
- 13) Bond and Insurance:
 - 13.1: Added language allowing upon approval insurance bonds for up to 50% if bond is greater than \$10,000, changed “designated agent” to “Duly Authorized Agent”
- 14) Enforcement:
 - 14.4: Some minor changes, significant changes to 14.4a., & current section 14.4b. moved to 14.4c.
 - 14.4a.3.): Added language requiring that person(s) subject to a cease and correct order submit an application for regulated activities necessary to resolve the violation and any additional proposed activity
 - 14.4a.4.): Added per CGS that the Agency may file certificate of record in office of the Town Clerk, such certificate will be recorded on the Land
 - 14.4b.: Changed section referenced to match proposed numbering
 - 14.5: Current section 14.4; use abbreviations, grammar/spelling, fixed reverence to ordinance section, clarified fine process per CGS
- 15) Amendments:
 - No significant changes (used abbreviations, capitalized terms, spelling, and format consistency)
- 16) Appeals:
 - No significant changes (changed “from” to “on” per 2006 model regulations, capitalized Section, used abbreviations)
- 17) Conflict and Severance: No changes
- 18) Other Permits:
 - No significant changes (use of abbreviation)
- 19) Application Fees:
 - 19.1: Added cash (which is currently accepted) for clarity
 - 19.2: Changed “Commission” to “Agency or it’s Duly Authorized Agent”
 - 19.5: Major revisions to fees – updated to reflect cost of processing, removed fee associated with significant activity, added after the fact fee, reordered for better flow
 - 19.6: Reordered wording, removed councils
 - 19.7: Added language for “Duly Authorized Agent” and removed “or allow delayed payment of” changed “Commission” to “Agency”
- 20) Records Retention and Disposition: No changes
- 21) Effective Date of Regulations: No changes

Miscellaneous:

- (1) Throughout document abbreviated Connecticut General Statutes as CGS.
- (2) Throughout document abbreviated Department of Energy and the Environment as DEEP.
- (3) Added “and Watercourses” to Commission/Agency name where applicable throughout document.
- (4) Changed regulated area(s) to wetlands and watercourses throughout document.
- (5) Added date of revision and title of document to footer.